

House Bill 109

By: Representatives Black of the 174th, Shaw of the 176th, Carter of the 175th, and Hatfield of the 177th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 68 of Title 36 of Official Code of Georgia Annotated, relating to
2 consolidation of a county and municipality through repeal of the charter of the municipality,
3 so as to provide that under certain circumstances a county which contains no municipality
4 shall be deemed to constitute a consolidated government and shall be subject to certain
5 provisions of said chapter; to provide for related matters; to provide an effective date; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 68 of Title 36 of Official Code of Georgia Annotated, relating to consolidation of
10 a county and municipality through repeal of the charter of the municipality, is amended by
11 adding a new Code section to read as follows:

12 "36-68-4.

13 (a) If as of July 1, 2007, or at any time thereafter there exists in this state a county in which
14 no part of any municipal corporation is located, then that county shall thenceforth be
15 deemed to be and constituted as a consolidated government for purposes of the laws of this
16 state.

17 (b) A county which is constituted as a consolidated government under this Code section
18 shall constitute a municipal corporation as well as a county for the purpose of the
19 application of the general laws and Constitution of this state. Such a county may exercise
20 the powers vested in municipalities generally as well as the powers vested in the county by
21 general or local law. When similar but not identical laws apply to counties and
22 municipalities and a determination must be made as to which law applies, the county which
23 is constituted as a consolidated government may elect which law to proceed under.

24 (c) When a county has become subject to this Code section, no municipal corporation may
25 thereafter be created in or extend into the county."

1 **SECTION 2.**

2 This Act shall become effective on July 1, 2007.

3 **SECTION 3.**

4 All laws and parts of laws in conflict with this Act are repealed.